

*The original of this document contains information which is subject to withholding from disclosure under 5 U.S. C. § 552. Such material has been deleted from this copy and replaced with XXXXXX's.

**United States Department of Energy
Office of Hearings and Appeals**

In the Matter of: Personnel Security Hearing)
)
Filing Date: September 5, 2025) Case No.: PSH-25-0199
)
)
_____)

Issued: March 24, 2026

Administrative Judge Decision

James P. Thompson III, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXXXXXX (the Individual) to hold an access authorization under the United States Department of Energy's (DOE) regulations, set forth at 10 C.F.R. Part 710, "Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material or Eligibility to Hold a Sensitive Position."¹ As discussed below, after carefully considering the record before me in light of the relevant regulations and the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (June 8, 2017) (Adjudicative Guidelines), I conclude that the Individual's access authorization should be restored.

I. BACKGROUND

The Individual is employed by a DOE contractor in a position that requires a security clearance. In early March 2025, the Individual was arrested and charged with Aggravated Driving While Intoxicated (DWI). As a result, the DOE Local Security Office (LSO) requested that the Individual be evaluated by a DOE-consultant Psychologist (DOE Psychologist) regarding alcohol use. Based on the information gathered by the LSO, including the DOE Psychologist's report (Report), the LSO informed the Individual by letter (Notification Letter) that it possessed reliable information that created substantial doubt regarding his eligibility to possess a security clearance. In an attachment to the Notification Letter, entitled Summary of Security Concerns (SSC), the LSO explained that the derogatory information raised security concerns under Guideline G of the Adjudicative Guidelines.

The Individual exercised his right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. The Director of the Office of Hearings and Appeals (OHA) appointed me as the

¹ The regulations define access authorization as "an administrative determination that an individual is eligible for access to classified matter or is eligible for access to, or control over, special nuclear material." 10 C.F.R. § 710.5(a). This Decision will refer to such authorization as access authorization or security clearance.

Administrative Judge in this matter, and I subsequently conducted an administrative review hearing. At the hearing, the Individual testified on his own behalf and presented the testimony of his wife, his Intensive Outpatient Treatment Program counselor (IOP counselor), and Alcoholics Anonymous (AA) sponsor (Sponsor). The LSO presented the testimony of the DOE Psychologist. The Individual submitted nine exhibits, marked Exhibits A through I. The LSO submitted fifteen exhibits, marked Exhibits 1 through 15.²

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

As indicated above, the LSO cited Guideline G (Alcohol Consumption) of the Adjudicative Guidelines as the basis for concern regarding the Individual's eligibility to possess a security clearance. Exhibit (Ex.) 1.

Guideline G provides that “[e]xcessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses, and can raise questions about an individual's reliability and trustworthiness.” Adjudicative Guidelines at ¶ 21. Conditions that could raise a security concern include “[a]lcohol-related incidents away from work, such as driving while under the influence, . . . spouse abuse, . . . or other incidents of concern . . .” and “diagnosis by a duly qualified medical or mental health professional (e.g., physician, clinical psychologist, Psychologist, or licensed clinical social worker) of alcohol use disorder . . .” *Id.* at ¶ 22(a), (d). The SSC cited the DOE Psychologist's conclusion that the Individual meets sufficient *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision*, criteria for a diagnosis of Alcohol Use Disorder (AUD), Severe, without evidence of rehabilitation or reformation. Ex. 1 at 6. The SSC also cited seven alcohol-related incidents away from work, including being discharged from the military in 2007 for being intoxicated after consuming alcohol underage on two occasions; being charged with possession of alcohol in a vehicle under the age of twenty-one in 2008; being arrested and charged with driving under the influence of alcohol (DUI) in 2008; being charged with possession of alcohol as a minor in 2009; being charged with Assault Causes Bodily Injury Family Member after consuming alcohol in 2010; and being arrested and charged with DWI in 2025. *Id.* at 6–7. The cited information justifies the LSO's invocation of Guideline G.

III. REGULATORY STANDARDS

A DOE administrative review proceeding under Part 710 requires me, as the Administrative Judge, to issue a Decision that reflects my comprehensive, common-sense judgment, made after consideration of all of the relevant evidence, favorable and unfavorable, as to whether the granting or continuation of a person's access authorization will not endanger the common defense and security and is clearly consistent with the national interest. 10 C.F.R. § 710.7(a). The regulatory standard implies that there is a presumption against granting or restoring a security clearance. *See Department of Navy v. Egan*, 484 U.S. 518, 531 (1988) (“clearly consistent with the national interest” standard for granting security clearances indicates “that security

² References to the LSO exhibits are to the exhibit number and the page number of the combined .pdf of the exhibit book.

determinations should err, if they must, on the side of denials”); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9th Cir. 1990) (strong presumption against the issuance of a security clearance).

The Individual must come forward at the hearing with evidence to convince the DOE that granting or restoring access authorization “will not endanger the common defense and security and will be clearly consistent with the national interest.” 10 C.F.R. § 710.27(d). The Individual is afforded a full opportunity to present evidence supporting his or her eligibility for an access authorization. The Part 710 regulations are drafted to permit the introduction of a very broad range of evidence at personnel security hearings. Even appropriate hearsay evidence may be admitted. *Id.* § 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

The discussion below reflects my application of these factors to the testimony and exhibits presented by both sides in this case.

IV. FINDINGS OF FACT

Prior to reaching legal age to consume alcohol, the Individual had already been discharged from the military because he consumed alcohol on two occasions in 2007, charged with possession of alcohol in a vehicle while underage in September 2008, arrested and charged with DUI in September 2008, and charged with minor in possession of alcohol in 2009. Transcript of Hearing, OHA Case No. PSH-25-0199 (Tr.) at 77; Ex. 9 at 55–56. The Individual was then arrested in 2010 for assault and family violence after consuming alcohol and getting into an argument with his girlfriend because he grabbed her arm while begging her not to leave. Ex. 9 at 58. He stated that he would not have been involved in the situation had he not been consuming alcohol at the time. *Id.* The Individual accepted responsibility for each of these instances of alcohol-related conduct listed in the SSC. Tr. at 77–78.

More recently, in March 2025, the Individual was arrested and charged with DWI after he consumed approximately seven alcoholic beverages before deciding to operate a motor vehicle, which he drove off the road and crashed into an embankment. Ex. 8 at 50; Ex. 9 at 52; Ex. 10 at 68. He testified that he left the scene of the crash because he did not want to face the repercussions for his actions or have his wife discover his alcohol consumption. Tr. at 78. However, he changed his mind, decided to “face the music,” and turned himself into the paramedics, who transported him to a hospital. *Id.* at 70, 78–79. He also admitted, when he reported the incident to his employer, that he was “very intoxicated” at the time he crashed his vehicle. Ex. 7 at 45.

The Individual has a history of attending inpatient treatment as a teenager as a result of his alcohol use. Ex. 10 at 69. The Individual successfully abstained from alcohol over twelve years preceding his 2025 DWI. *Id.* at 67, 68. He had also attended AA during that period, but he gradually stopped in the final months before he decided to again consume alcohol. Tr. at 18, 26. He stated that he resumed consuming alcohol in the several months leading up to his DWI, on two or three occasions, when travelling for work, which also allowed him to hide it from his wife. *Id.* at 79; Ex. 10 at 67; Tr. at 13 (wife confirming she has never witnessed the Individual consume alcohol during their twelve-year marriage). To give insight into his mindset, he admitted that he chose to consume alcohol again because he wanted to, he truly believed that he could handle moderate consumption,

and he was therefore excited to drink on business trips unbeknownst to his wife. Tr. at 78. It was a deliberate attempt to test his ability to moderately consume alcohol. Ex. 10 at 67; *see also* Tr. at 28, 30 (wife testimony that she learned the same reasoning from the Individual after the fact). By the time of the psychological evaluation, the Individual accepted that he could not easily stop consuming alcohol after a few drinks. Ex. 10 at 68. Stated differently, he realized he could not consume alcohol in moderation.

In the days after the DWI, the Individual immediately began searching for an inpatient treatment provider. Tr. at 15. He then enrolled in a twelve-week IOP just days later. *Id.*; Ex. 10 at 70. He also began attending AA and undergoing regular Phosphatidylethanol (PEth) testing, which can look back in time approximately three to four weeks and provide evidence of high alcohol consumption.³ Ex. 10 at 72. He obtained an AA sponsor in March 2025. Tr. at 69; *see also* Ex. 9 at 60. During the May 2025 evaluation, he told the DOE Psychologist that he last consumed alcohol on the day of his DWI arrest, vowed that he is “never going to touch alcohol again,” and referred to his actions as “foolishness.” Ex. 10 at 69. The DOE Psychologist requested that the Individual undergo a PEth test to evaluate recent alcohol consumption. *Id.* at 71. The results were negative. *Id.* The DOE Psychologist concluded in the Report that the “alcohol related choices that [the Individual] recently made, particularly in view of his historical alcohol use problems, support both poor judgment and a current [diagnosis of AUD].” *Id.* at 72. The DOE Psychologist therefore recommended that the Individual complete the IOP he was currently attending; remain active in AA at least twice per week and with weekly contact with a sponsor; demonstrate a year of abstinence with monthly PEth test results providing evidence thereof; and participate in IOP aftercare. *Id.* at 73. Since the Individual reported that his wife had been attending Al-Anon meetings, the DOE Psychologist also recommended that she continue because it “will likely increase the probability of success for [the Individual].” *Id.* Lastly, the DOE Psychologist suggested that after completing the IOP the Individual should “consider ongoing individual counseling . . . on an as needed basis [] at least once per month.” *Id.*

At the hearing, the Individual acknowledged and accepted the diagnosis of the DOE Psychologist that he has an AUD, Severe, and testified that he is “without a shadow of a doubt” an “alcoholic.” Tr. at 56, 58, 61. Since receiving the Report, he did “everything [he] possibly [could]” to comply with the recommendations. *Id.* at 58. He successfully completed the three month IOP in June 2025. *Id.* at 63, 65–67; Ex. A at 3 (IOP certificate of completion). He then enrolled in IOP aftercare, which he consistently attended weekly up to the hearing date. Tr. at 101, 107–08. The two-hour meetings consist of group study and listening to community speakers. *Id.* at 108. Since returning to AA after the DWI, he “completely surrendered to the idea” that AA is a gift to ensure that he never again experiences negative consequences from consuming alcohol. *Id.* at 61, 63 (testifying that, for him, drinking alcohol will only lead to “jail, institution, or death”). He explained that he had previously viewed AA as a shameful punishment and looked for any excuse to quit. *Id.* at 59–60. As of the hearing date, he was continuing to attend AA five times a week. *Id.* at 62; *see id.* at 19 (wife describing that the Individual enjoys AA and appears to come back refreshed with “a sense of relief[.]”); Ex. G (Individual’s father stating in a letter that he has “specifically . . . observed” the Individual’s “[r]egular attendance at multiple AA meetings each week . . .”).

³ The test measures the presence of the biomarker PEth in the blood, which “can only occur secondary to the consumption of ethyl alcohol.” Ex. 10 at 71; *id.* at 89.

Commented [MR1]: I don't think you've said yet when the evaluation was. I would provide the date.

Commented [MR2]: Did he say when his last consumption of alcohol was?

The Individual's family has fully integrated AA and the Individual's recovery into its life. Tr. at 68; *see also id.* at 100 (IOP counselor testifying that the Individual's recovery positively changed when he brought his family to the IOP's weekly potluck). The Individual's wife supports the Individual's recovery by attending Al-Anon meetings and IOP aftercare "family nights" with their children. *Id.* at 16–17, 20–21 (wife confirming that she has an Al-Anon sponsor and works the program, which allows her and the Individual to work together and improve their communication), 46 (Sponsor stating that the wife's participation is "absolutely" a positive for the Individual's recovery).

The Individual testified that he intends to remain sober for the rest of his life. *Id.* at 75. His recovery support system includes Sponsor, the IOP counselor, his wife, his wife's Al-Anon sponsor, and friends he made through the IOP. *Id.* at 75. The Individual maintained the strict regimen prescribed by Sponsor, including mandatory daily readings and daily phone calls, the latter of which he continued even though he had progressed beyond the need by completing the AA 12 Steps. *Id.* at 37, 41 (Sponsor explaining that he requires daily phone calls from his sponsees to condition that behavior and thereby remove the difficulty of reaching out to others for help), 51, 84 (Individual explaining that if calling daily got him to eleven months of sobriety, as he testified he had achieved at the time of the hearing, then he intends to continue his pattern of success). Sponsor described the Individual as engaged and "willing to do whatever it [takes] in order to stay sober." *Id.* at 43. The Individual explained that he completed the 12 Steps for the first time and expects to restart them as part of his lifelong recovery. *Id.* at 82–83. He has also acted as a sponsor for others since going through the program with Sponsor, which has contributed to his success. *Id.* at 87.

The Individual started undergoing PEth testing in April 2025. Ex. 10 at 71. The record includes ten PEth test results, which represent monthly testing from April 2025 to February 2026. Ex. D; Ex. H. All of the results were negative. *Id.* Given that his first sample was collected in April 2025, the DOE Psychologist concluded that his negative results provide evidence that he had been abstinent "as far back as mid-March of [2025]." Ex. 10 at 71. The Individual also started attending bi-weekly counseling beginning in October 2025 to support his recovery. Tr. at 71 (also testifying that the counselor holds him accountable to continue AA attendance), 111. At the hearing, the IOP counselor, who also runs the IOP aftercare program, testified that the Individual has followed all treatment recommendations. *Id.* at 107, 112. The DOE Psychologist testified that he was "impressed" with the support system the Individual had developed to sustain his recovery. *Id.* at 118. He also credited the Individual as being transparent and sincere throughout the process since his DWI and quick to get help with recovery. *Id.* at 119 (DOE Psychologist testifying that the Individual was "totally forthcoming" and took action "very, very quickly"); *see also* Ex. G (Individual's father stating that he has observed "humility, ownership, and maturity in how [the Individual] has handled the situation" and "there has been no denial, no excuses, only responsibility and corrective action"). The DOE Psychologist opined that while research has shown that a year of treatment drastically reduces the chance of relapse, the Individual's initiative, sincerity, robust support system that includes a very supportive wife, strong faith, ability to previously abstain for twelve years without relapse, and significant progress in the recommended treatment demonstrated that the Individual's prognosis is "very good," even with just 11 months of treatment. *Id.* at 120–21, 124–25, 126, 128. The DOE Psychologist concluded there was adequate evidence of the Individual's rehabilitation and reformation from his AUD, noting the Individual now has "a stronger set of rules and principles and guidelines." *Id.* at 121–22.

Commented [MR3]: Please edit for accuracy.

V. ANALYSIS

A. Guideline G Considerations

Conditions that can mitigate security concerns based on alcohol consumption include the following:

- (a) So much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or judgment;
- (b) The individual acknowledges his or her pattern of maladaptive alcohol use, provides evidence of actions taken to overcome this problem, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations;
- (c) The individual is participating in counseling or a treatment program, has no previous history of treatment and relapse, and is making satisfactory progress in a treatment program; and
- (d) The individual has successfully completed a treatment program along with any required aftercare, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations.

Adjudicative Guidelines at ¶ 23.

I conclude that ¶ 23(b) applies to resolve the Guideline G concerns. The Individual has consistently acknowledged his pattern of maladaptive alcohol use, including affirmatively acknowledging that he has an AUD which he must manage for the rest of his life by maintaining abstinence to avoid the negative consequences that will result if he attempts to consume alcohol again. The record demonstrates that he has been sincere in this regard and took immediate action to address his situation by enrolling in an IOP after he was released from jail in March 2025. Furthermore, he has provided significant evidence of actions taken to overcome his problem. He started the IOP within a week from the DWI, transitioned to IOP aftercare after successfully completing the IOP, and continued attending IOP aftercare up to the hearing date. Thus, he completed eleven months of treatment. He also attended AA, starting in March 2025, obtained a supportive sponsor, and sponsored others in their recovery. The record demonstrates that he had been attending AA for ten months by the hearing date and completed the 12 Steps. Credible testimony from the Individual, his wife, Sponsor, and IOP counselor establishes that the Individual integrated his family into his recovery, which greatly strengthens the likelihood of his continued success. Furthermore, he started undergoing PEth testing less than a month out from his DWI, which he continued through the hearing date, and all test results are negative. He thus continued to hold himself accountable by providing clinical evidence that he has remained abstinent for eleven months. And he started counseling based on the recommendation of the DOE Psychologist in October 2025, which demonstrates four months of individual counseling beyond the counseling he received in the IOP.

It is clear that he maintained abstinence since the date of his DWI, which at the time of the hearing, was just under the twelve months the DOE Psychologist recommended. As a result of these positive steps, both the IOP counselor and the DOE Psychologist concluded that the Individual has followed all treatment recommendations. The DOE Psychologist further concluded that the Individual has a very good prognosis and has reformed and rehabilitated his AUD. I therefore conclude that the Individual has demonstrated a clear and established pattern of abstinence in accordance with treatment recommendations. As for the alcohol related incidents that occurred mostly over a decade ago, I conclude that the security concerns derived from that conduct have been similarly resolved given that the Individual has rehabilitated and reformed his AUD and his history clearly demonstrates that he is unlikely to engage in similar conduct in the future if he remains abstinent. My findings are based on the record evidence that the Individual has not only sincerely accepted and internalized the treatment and AA participation, but he has also sincerely accepted and internalized that he can no longer one day consume alcohol, something he had not completely accepted in the past. He was able to maintain sobriety for twelve years without that acceptance, and I therefore find it very unlikely he will relapse again within that timeframe or beyond.

VI. CONCLUSION

In the above analysis, I found that there was sufficient derogatory information in the possession of the DOE that raised security concerns under Guideline G of the Adjudicative Guidelines. After considering all of the relevant information, favorable and unfavorable, in a comprehensive, common-sense manner, including weighing all of the testimony and other evidence presented at the hearing, I conclude that the Individual has brought forth sufficient evidence to resolve the Guideline G security concerns. Accordingly, I have determined that the Individual's access authorization should be restored.

This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

James P. Thompson III
Administrative Judge
Office of Hearings and Appeals